

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Prisons – Death of Under trial Prisoner by name Sri Shaik Chand S/o Sri Karnal, Sub-Jail, Khammam on 01-12-1991 – Sanction of compensation of Rs.2,76,000/- to Smt. Noorunnisa Begum, W/o Late Shaik Chand, and Smt. Shaik Saida, as per the orders of the Hon'ble High Court of Andhra Pradesh, Hyderabad, in W.P.No.2326/1993, and W.A. No. 154/2002 – Orders – Issued.

HOME (PRISONS.C.HRC) DEPARTMENT

G.O.RT.NO. 461

DATED:21-02-2009.

Read the following:-

- 1.Judgment, dated 27-06-2001, delivered by the Hon'ble High Court of Andhra Pradesh, Hyderabad, in WP.No.2326/1993.
- 2.Judgment, dated 22-07-2008, delivered by the Hon'ble High Court of Andhra Pradesh, Hyderabad, in W.A.154 of 2002.
- 3.From the Collector & District Magistrate, Khammam, Letter Rc.No.C1/1281/2000, dated 25-09-2008.
- 4.Govt. D.O.Letter No.30758/Pri.C/HRC/2008, dated 06-10-2008.
- 5.From the Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, D.O. Letter No.56/SB/2008, dated 04-10-2008.
- 6.From the Director General of Police, A.P., Hyderabad, Rc.No.4060/M1/2008, dated 18-10-2008.
- 7.Govt.Memo.No.30758/PRI.C.HRC/2008-3, dated 10-12-2008.
- 8.From the Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, D.O. Letter No.56/SB/2008, dated 20-12-2008.

.....

ORDER:

The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, in his letter sixth read above, has reported that one U.T.Prisoner by name Sri Shaik Chand, S/o Sri Karnal, was admitted at Sub-Jail, Khammam, on 20-11-1991, under section 326 IPC (CC No.2 of 1991 of Khammam II Town Police Station on the file of Ist Additional Judicial First Class Magistrate, Khammam, on 02-12-1991, the UT Prisoner complained of chest pain in the night and the Superintendent, Sub-Jail, Khammam, has immediately sent a requisition to the Armed Reserve Police, Khammam, for providing escort for taking the said prisoner to hospital. Since the escorts have come late, the prisoner was rushed to Government Head Quarters Hospital, Khammam, after midnight of the same day, where he was declared brought dead. Consequent to the death of the said prisoner, Smt Noorunnisa Begum, W/o Sri Shaik Chand (Prisoner), and another filed a W.P.No.2326 of 1993 in the Hon'ble High Court of Andhra Pradesh, Hyderabad, requesting for payment of compensation.

P.T.O.

2. The Hon'ble High Court of Andhra Pradesh, Hyderabad, in its Order, dated 27-06-2001 in WP No.2326 of 1993, have inter alia directed the respondents to grant a compensation of Rs.1,50,000/- to the petitioners and to open fixed deposit account in any Nationalized Bank in the name of the first petitioner for a period of five years. Aggrieved by the said Judgment, the District Collector, Khammam, has filed Writ Appeal, before the Hon'ble High Court of Andhra Pradesh, in W.A.No.154 of 2002. The Writ Appeal was dismissed by the Hon'ble High Court of Andhra Pradesh, on 22-7-2008 with the observations and directions that "we are in complete agreement with the finding recorded by the Learned Single Judge and the conclusion arrived at by him. While dismissing the Writ Appeal and confirmed the orders of the Learned Single Judge, and directed the appellants herein to pay the Respondents – Writ Petitioners interest at 12% per annum, on the compensation amount of Rs.1,50,000/- which was directed to be paid from the date of the order of the Learned Single Judge. The compensation amount, along with interest thereupon, shall be deposited with Andhra Pradesh State Legal Services Authority, Hyderabad, within a period of four weeks from the date of receipt of order".

3. The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, in his letter eighth read above, has reported that the actual amount including interest payable to the petitioners is worked out to Rs.2,76,000/- (Rs.1,50,000/- + 1,26,000/-). He has, therefore, requested to sanction an amount of Rs.2,76,000/- (Rupees two lakhs and seventy six thousands only) towards payment of compensation to Respondents-cum-petitioners i.e. Smt. Noorunnisa Begum, W/o Late Shaik Chand, and Smt. Shaik Saida, and the said amount has to be deposited with A.P. State Legal Services Authority, High Court of Andhra Pradesh, Hyderabad, as per the Orders of the Hon'ble High Court of Andhra Pradesh, Hyderabad, in W.P.No.2326/1993 and Writ Appeal No.154/2002 .

4. Government after careful examination of the matter hereby accord sanction of Rs.2,76,000/- (Rupees two lakhs and seventy six thousands only) towards payment of compensation to Respondents-Cum-Petitioners i.e. Smt. Noorunnisa Begam, W/o Late Shaik Chand, and Smt. Shaik Saida, and the said amount has to be deposited with A.P. State Legal Services Authority, Hon'ble High Court of Andhra Pradesh, Hyderabad, as per the Orders of the Hon'ble High Court of Andhra Pradesh, Hyderabad, in W.P.No.2326/1993 and Writ Appeal No.154/2002 .

5. The amount sanctioned in para (4) above, shall be debited to the Head of Account "2056 Jails - MH.101 Jails – SH (04) Jails – 500/501 Compensation" (Charged) from the Contingency Fund of Andhra Pradesh during the financial year 2008-2009, which shall initially be met by way of an advance from Contingency Fund, for which orders will be issued by the Finance (BG) Department, separately.

6. The Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, is authorized to draw the amount sanctioned in para (4) above and the same shall be deposited with A.P. State Legal Services Authority, Hon'ble High Court of Andhra Pradesh, Hyderabad.

7. The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, shall send necessary proposal for obtaining Supplementary Grant at an appropriate time during the current financial year 2008-09, towards recoupment of advance from the Contingency Fund.

8. This order issues with the concurrence of the Finance (Exp.Home) Department, vide their U.O.No.2828/37/A1/Exp.H&L/2009, dated 16-02-2009

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**AJOYENDRA PYAL,
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director General and Inspector General of Prisons and
Correctional Services, A.P., Hyderabad.

The Collector & District Magistrate, Khammam.

The Director of Treasuries & Accounts, A.P., Hyderabad.

The Accountant General, (A&E), A.P., Hyderabad.

The District Treasury Officer, Hyderabad.

The Director General of Police, A.P., Hyderabad.

Copy to:-

The Secretary, A.P. State Legal Services Authority,
High Court of Andhra Pradesh, Hyderabad.

The Registrar, High Court of Andhra Pradesh, Hyderabad.

The Finance (Exp.H&L) Department.

The Finance (BG) Department.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER